



**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**June 19, 2000, Continued**

- C032135      THE PEOPLE v. VU      (Not for Publication)**  
The section 12022.5, subdivision (a), firearm use enhancement accompanying the conviction on count 5 (§ 246--shooting at an inhabited dwelling) is stricken. The trial court is directed to amend the abstract of judgment to reflect this, and to send a certified copy of the amended abstract to the Department of Corrections. As amended, the judgment is affirmed.
- DAVIS, J.  
We concur:    Scotland, P.J.  
                  Blease, J.
- At 9:28 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Raye, Associate Justice; Callahan, Associate Justice, and Rios, Bailiff. Calendar called.
- C030185      REISS et al., v. SNIDER et al., and EYTAN**  
Cause called. Mattaniah Eytan appeared for appellants and for himself. Robert B. Sternfels appeared for respondents. Argument was continued to a later date.
- At 9:31 a.m., court recessed. At 9:35 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Sims, and Associate Justice Callahan.
- C033794      GANNETT v. PRINCE**  
Cause called. Montgomery Cole argued for appellant. Gary Brickwood argued for respondent. Cause submitted.
- At 9:38 a.m., court recessed. At 9:40 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Raye, and Associate Justice Callahan.
- C033665      HANCOCK v. CITY OF GALT et al.**  
Cause called. Thomas H. Van Dyke argued for appellant. Roger S. Matzkind argued for respondents George Reed, Inc. et al. Franklin G. Gumpert argued for respondents City of Galt et al. Cause submitted.
- C032262      THE PEOPLE v. BROWN**  
Cause called. Deborah Tuttelman, court appointed counsel, argued for appellant. No appearance was made on behalf of respondent as argument was previously waived and approved. Cause submitted.

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**June 19, 2000 Continued**

**C032150      THE PEOPLE v. HUFFMAN**

Cause called. Deborah Tuttleman, court appointed counsel, argued for appellant. No appearance was made on behalf of respondent as argument was previously waived and approved. Cause submitted.

At 10:38 a.m., court recessed. At 1:58 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Sims, and Associate Justice Raye.

**C030873      SHORE v. ROSTER et al.**

Cause called. Donald Wells West argued for appellants. Tony Tanke argued for respondent. Cause submitted.

At 2:27 p.m., court recessed. At 2:30 p.m., court reconvened with Acting Presiding Justice Blease, and Associate Justice Sims. Associate Justice Nicholson was not present.

**C029659      FRIENDS OF MAMMOTH et al., v. TOWN OF MAMMOTH LAKES, etc.,  
et al., and MAMMOTH MOUNTAIN SKI AREA et al.**

Cause called. All counsel orally stipulated that Justice Nicholson could participate by cassette tape. R. Bruce Tepper, Jr. argued for appellants. Charles R. Green argued for respondents Town of Mammoth Lakes et al., and William P. Medlen and Peter Tracy appeared for respondents but did not argue. David S. Baumwohl appeared for respondents Mammoth Mountain Ski Area et al. R. Mark Carney and James S. Reed appeared for respondent Intrawest Mammoth Corporation but did not argue. Cause submitted. (Consolidated with C031043.)

**C031043      FRIENDS OF MAMMOTH et al., v. TOWN OF MAMMOTH LAKES, etc.,  
et al., and MAMMOTH MOUNTAIN SKI AREA et al.**

Cause called. All counsel orally stipulated that Justice Nicholson could participate by cassette tape. R. Bruce Tepper, Jr. argued for appellants. Charles R. Green argued for respondents Town of Mammoth Lakes et al., and William P. Medlen and Peter Tracy appeared for respondents but did not argue. David S. Baumwohl appeared for respondents Mammoth Mountain Ski Area et al. R. Mark Carney and James S. Reed appeared for respondent Intrawest Mammoth Corporation but did not argue. Cause submitted. (Consolidated with C029659.)

Court recessed at 3:30 p.m., until 9:30 a.m., June 20, 2000.

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**The Minutes**

**June 19, 2000 Continued**

**C030858      SACRAMENTO CHILDREN'S HOME v. DEPARTMENT OF SOCIAL SERVICES et al.      (Certified for Publication)**  
The opinion in the above-entitled matter filed on May 23, 2000, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.  
                         DAVIS, Acting P.J.  
                         Hull, J.  
                         Kolkey, J.

**June 20, 2000**

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Sims, Acting Presiding Justice; Hull, Associate Justice, and Castillo, Bailiff. Justice Nicholson was not present. Calendar called.

**C029670      THE PEOPLE v. JACKSON**  
Cause called. Both counsel orally stipulated that Justice Nicholson could participate by cassette tape. Phillip M. Brooks, court appointed counsel, argued for appellant. Anthony L. Dicce, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed at 9:47 a.m., until 9:30 a.m., June 21, 2000.

**C034543      THE PEOPLE v. ORTHEL      (Not for Publication)**  
The judgment is affirmed.  
                         BLEASE, Acting P.J.  
We concur:      Nicholson, J.  
                         Raye, J.

**C032710      THE PEOPLE v. HANSEN      (Not for Publication)**  
The judgment is affirmed.  
                         RAYE, J.  
We concur:      Sims, Acting P.J.  
                         Callahan, J.

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**June 20, 2000 Continued**

- C032100      THE PEOPLE v. BRINSFIELD      (Not for Publication)**  
Defendant's conviction under Penal Code section 646.9, subdivision (a) is reversed. In all other respects the judgment is affirmed.  
BLEASE, Acting P.J.  
We concur: Morrison, J.  
Kolkey, J.
- C033288      In re CARLOS G.; THE PEOPLE v. CARLOS G.      (Not for Publication)**  
The order is affirmed.  
CALLAHAN, J.  
We concur: Sims, Acting P.J.  
Raye, J.
- C033869      THE PEOPLE v. RANGER INSURANCE COMPANY      (Not for Publication)**  
The judgment is affirmed.  
DAVIS, J.  
We concur: Scotland, P.J.  
Raye, J.
- C034453      THE PEOPLE v. WARE      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We concur: Blease, Acting P.J.  
Raye, J.
- C034095      THE PEOPLE v. SANDOVAL      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, J.  
We concur: Blease, Acting P.J.  
Raye, J.
- C030914      THE PEOPLE v. STARKES et al.      (Not for Publication)**  
The judgment is affirmed.  
DAVIS, J.  
We concur: Scotland, P.J.  
Raye, J.

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**June 20, 2000 Continued**

- C033563**      **In re MICHAEL J.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. MICHAEL J. et al. (Not for Publication)**  
The order terminating Michael's parental rights is reversed, and the juvenile court is directed to order reunification services for Michael to assist him in his effort to establish a parental relationship with the minor. The order terminating Cherise's parental rights is also reversed, however, she is not entitled to participate in reunification services. If the juvenile court ultimately finds it necessary to schedule a section 366.26 hearing, the court shall provide both Michael and Cherise with notice of the hearing.  
NICHOLSON, J.  
We concur: Scotland, P.J.  
Blease, J.
- C032642**      **THE PEOPLE v. RHODES**  
Pursuant to the appellant's written request for dismissal filed June 15, 2000, this court's opinion filed May 22, 2000, is vacated and the cause is reinstated.  
BLEASE, Acting P.J.
- C034177**      **In re JAMES C.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. LISA J. (Not for Publication)**  
The orders of the juvenile court are affirmed.  
RAYE, J.  
We concur: Scotland, P.J.  
Callahan, J.

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**June 21, 2000**

Raye, J.

Blease, J.

Davis, J.

Callahan, J.

Davis, J.

At 9:31 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Scotland, Presiding Justice; Davis, Associate Justice; Callahan, Associate Justice, and Conrad, Bailiff. Calendar called.

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**June 21, 2000 Continued**

- C032164      In re RICHARD H.; THE PEOPLE v. RICHARD H.**  
Cause called. Alice C. Shotton, court appointed counsel, argued for appellant. Carlos A. Martinez, Supervising Deputy Attorney General, argued for respondent. Cause submitted.
- At 10:11 a.m., court recessed. At 10:13 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Raye, and Associate Justice Hull.
- C030434      SMITH et al. v. ALEXANDER et al.**  
Cause called. Thomas M. Hagler argued for appellants. Ronald Yank argued for respondents with additional citations. Cause submitted.
- At 10:50 a.m., court recessed. At 10:53 a.m., court reconvened with Presiding Justice Scotland and Associate Justice Callahan. Justice Nicholson was not present.
- C028299      In re the Marriage of STEARNS**  
Cause called. Both counsel orally stipulated that Justice Nicholson could participate by cassette tape. Timothy H. Stearns argued for himself in pro per as appellant with additional citations. Francine R. A. Tone argued for respondent. Cause submitted. (Consolidated with C028879.)
- C028879      In re the Marriage of STEARNS**  
Cause called. Both counsel orally stipulated that Justice Nicholson could participate by cassette tape. Francine R. A. Tone argued for appellant. Timothy H. Stearns argued for himself as pro per for respondent. Cause submitted. (Consolidated with C028299.)
- At 11:33 a.m., court recessed. At 11:35 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Raye.
- C029144      THE PEOPLE v. VILLA et al.**  
Cause called. Linda M. Leavitt, court appointed counsel, argued for appellant Villa with additional citations. Eric L. Christoffersen, Deputy Attorney General, argued for respondent. No appearance was made on behalf of appellant Baca as argument was previously waived and approved. Cause submitted.



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**June 21, 2000 Continued**

At 12:09 p.m., court recessed. At 2:03 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Hull.

**027644        MCCORMICK v. NACHT & LEWIS ARCHITECTS, INC., et al.**  
Cause called. Robert L. Rediger argued for appellants. Laura C. McHugh appeared on behalf of appellants but did not argue. Charles L. Post argued for respondent. Kevin R. Iams appeared on behalf of respondent but did not argue. Cause submitted. (Consolidated with C028752.)

**C028752        MCCORMICK v. NACHT & LEWIS ARCHITECTS, INC., et al.**  
Cause called. Robert L. Rediger argued for appellants. Laura C. McHugh appeared on behalf of appellants but did not argue. Charles L. Post argued for respondent. Kevin R. Iams appeared on behalf of respondent but did not argue. Cause submitted. (Consolidated with C027644.)

At 2:34 p.m., court recessed until Friday, June 23, 2000, at 9:30 a.m.

**C035783        THE PEOPLE v. NELSON et al.**  
On the court's own motion, the appeal of the People of the State of California filed May 1, 2000, from the order dismissing the action against respondent Hugh E. Comisky, Jr., is hereby dismissed. (Pen. Code § 1466.) The appeal of the People of the State of California filed May 1, 2000, from the order dismissing the action against respondent James Nelson remains pending and active.  
SCOTLAND, P.J.

**June 22, 2000**

**C035557        In re KIMBERLY T. et al.; DEPARTMENT OF SOCIAL SERVICES v. DIXIE T.**  
Respondent's motion to dismiss is granted. (See Cal. Rules of Court, rule 41(c).)  
SCOTLAND, P.J.

**C035504        In re JESSY C.; DEPARTMENT OF SOCIAL SERVICES v. DANIEL C.**  
Pursuant to written request by the respondent, the appeal filed April 14, 2000, is dismissed. (See Cal. Rules of Court, rule 41(c).)  
SCOTLAND, P.J.

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**June 22, 2000 Continued**

**C033455      In re DAVID CECIL TUGGLE      (Not for Publication)**

The order issuing the writ of habeas corpus is vacated.

RAYE, J.

We concur:    Sims, Acting P.J.  
                  Callahan, J.

**C035426      MOSBY v. VERBOOM et al.**

The court having examined the record on appeal and having determined that the order appealed is a non-appealable order, the appeal filed July 2, 1999, is dismissed. (See *Modica v. Merin* (1991) 234 Cal. App. 3d 1072.)

SCOTLAND, P.J.

**June 23, 2000**

At 9:32 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Sims, Acting Presiding Justice; Morrison, Associate Justice, Callahan, Associate Justice; and Rios, Bailiff. Calendar called.

**C032575      PRUDENTIAL PROPERTY & CASUALTY v. FARMERS INSURANCE, etc.**

Cause called. Kim H. Collins argued for appellant. Douglas H. Newlan argued for respondent. Kellie M. Murphy appeared on behalf of respondent but did not argue. Cause submitted.

**C028522      CALIFORNIANS FOR SCIENTIFIC INTEGRITY v. THE REGENTS OF THE UNIVERSITY OF CALIFORNIA et al.**

Cause called. Mark A. Perry argued for appellant. Christopher M. Patti argued for respondents. Cause submitted.

At 10:27 a.m, court recessed until 9:30 a.m., June 26, 2000.

**C031225      THE PEOPLE v. SMITH      (Not for Publication)**

The judgment is affirmed.

SIMS, Acting P.J.

I concur:        Raye, J.

I concur:        Hull, J. (See concurring opinion.)

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## June 23, 2000 Continued

C028765	<b>THE PEOPLE v. MCLEMORE</b> The judgment is affirmed. KOLKEY, J. We concur: Scotland, P.J. Nicholson, J.	<b>(Not for Publication)</b>
C034742	<b>In re MARGIE P.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. JEFFREY H.</b> The orders denying appellant's petition for modification and terminating his parental rights are affirmed. KOLKEY, J. We concur: Davis, Acting P.J. Nicholson, J.	<b>(Not for Publication)</b>
C034114	<b>In re ATHENA L.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. JAVIER L. et al.</b> The judgment of the juvenile court is affirmed. HULL, J. We concur: Blease, Acting P.J. Kolkey, J.	<b>(Not for Publication)</b>
C033054	<b>THE PEOPLE v. BRAMLAGE</b> The judgment is affirmed. HULL, J. We concur: Nicholson, Acting P.J. Callahan, J.	<b>(Not for Publication)</b>
C031146	<b>THE PEOPLE v. STEELE</b> The judgment is affirmed. HULL, J. We concur: Scotland, P.J. Nicholson, J.	<b>(Not for Publication)</b>
C027915	<b>THE PEOPLE v. ELSEY</b> The judgment is affirmed. KOLKEY, J. We concur: Sims, Acting P.J. Callahan, J.	<b>(Certified for Publication)</b>

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**June 23, 2000 Continued**

<b>C032298</b>	<b>THE PEOPLE v. PROEUNG</b> The judgment is affirmed. HULL, J. We concur:   Nicholson, Acting P.J. Callahan, J.	<b>(Not for Publication)</b>
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